

2008-21

>>> Clerk Info 10/6/2009 4:58 PM >>>

>>> "Tim Maat" <maat@co.muskegon.mi.us> 10/6/2009 2:05 PM >>>

Dear Clerk,

I am writing to express my strong support for the proposed change to MCR 3.932. I support both proposal A and Proposal B. Both proposals are a substantial improvement to the current situation and the proposed changes are consistent with the protection of the rights of victims and our communities.

I have been a lawyer for the past 16 years and have practiced as a defense lawyer for 5 years and an assistant prosecutor for the past 11 years. I am currently the Senior Assistant Prosecutor assigned to lead our Family Court Division in Muskegon County.

The current court rule completely ignores the rights of the victims. The current consent docket also prevents the victim from having their day in court to redress the wrongs committed against them. Additionally, the consent docket does nothing but send the message to juvenile offenders that there will be no meaningful consequences for criminal wrongdoing.

In addition to changing the consent docket I would urge the Supreme court to amend MCR 3.932(A)(1) which currently allows the court, "in the interest of the juvenile and the public, to deny the authorization of the petition." I would recommend that the rule be changed to allow dismissal of a petition only if probable cause to support the charge is lacking.

I would also urge the legislature to change MCL 712A.18 that allows the court to warn the juvenile and dismiss the petition. It is insulting to a victim that the court has the power to simply dismiss a petition for any or no reason at all. The court's power to dismiss a petition should be limited to those cases where there is insufficient evidence of criminal wrongdoing. The courts should not have the authority to dismiss cases as a docket control mechanism without regard to how this may impact a victim or our communities.

Changing the consent docket option is a good first step towards recognizing the rights of the victim and our communities. I strongly urge acceptance of either proposal.

Sincerely,

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